

REMARKS

First, Applicants' representative wishes to express his appreciation for the courtesy extended by the Examiner during the personal interview conducted on this application on March 15, 2005. A Statement of Substance of that interview follows.

The Official Action of January 11, 2005 objects to the specification on the basis of stale continuity data. Additionally, claims 42-43 and 47-50 are rejected under 35 U.S.C. § 103(a) as unpatentable over White et al. (US 5,366,609), and claims 44-46 are rejected under 35 U.S.C. § 103(a) as unpatentable over White in view of Deweese (US 6,377,894). These are addressed in turn, following the Rule 133 Statement of the Substance of the Interview conducted March 15, 2005.

Rule 133 Statement of Substance of Interview

During a personal interview held between Examiner Wallenhorst and the undersigned, the prior art applied in the outstanding Official Action (*i.e.*, White and Deweese) were discussed. A demonstration was conducted of an exemplary embodiment of the present invention, the HDI True Track device. In that demonstration, the conductor configuration of the pluggable ROM was exhibited for the Examiner, showing a longer ground conductor. The True Track device was also shown to operate without error while repeatedly removing and inserting the pluggable ROM, contrary to the primary White reference.

A draft of the present amendment was presented, read by the Examiner, and discussed. Each claim as amended was discussed and explained to the Examiner by the undersigned. The amendment as presently filed is identical in substance and argument to the draft discussed during the interview, and the Remarks presented

hereinafter are an accurate summary of the thrust of the arguments made by the undersigned during the interview.

Objection to the Specification

Applicants have amended the specification to update the status of parent application 10/286,648 as suggested by the Examiner. Accordingly, Applicants respectfully request that the objection be withdrawn.

Rejection under 35 U.S.C. 103(a)

Claims 42-43 and 47-50 are rejected under 35 U.S.C. § 103(a) as unpatentable over White et al. (US 5,366,609). The Examiner asserts that each limitation of the claims is disclosed, but that White et al. fail to specifically teach which of the contacts in the disclosed pluggable ROM device is a ground and which is for voltage supply. The Examiner concludes that one must be a ground, and one must be for voltage supply, and that the claims are therefore obvious.

The rejection is respectfully traversed. It is respectfully suggested that the Examiner has overlooked the requirement in the claims that the ground contact becomes electrically connected to the meter before a voltage supply contact. The Official Action makes no mention of this requirement, nor does the White et al. reference. Applicants submit that none of the cited references teach this feature, nor would such a feature be obvious to one having ordinary skill in the art when considering the White et al. patent for the reasons explained below.

The White et al. patent teaches a pluggable ROM device for use in a meter having limited onboard RAM. One having ordinary skill in the art when White et al. filed their application in 1993 would have understood the motivation for this arrangement to

have been informed by the very high cost of RAM memory. Providing RAM capacity in the meter increased the cost of the meter. Accordingly, the White et al. patent discusses using the outboard ROM memory as a memory that is accessed in real time by the meter during testing. The White et al. patent even discloses Cyclic Redundancy Checking routines to ensure that the ROM is not disengaged from the device while a test is ongoing, and specify that procedure routine specifications, or executable software, be provided on the ROM. All of these provisions are to minimize the need for onboard RAM.

The present invention, contrary to the teachings of White et al., does not require ongoing access to the data storage device after the meter is initialized and the contents of the storage device uploaded into the meter memory. During initialization, all of the contents of the storage device are uploaded to onboard meter memory. After uploading, the ROM device may be removed from the meter without detriment to the operability of the meter.

The data storage device of the present claims advantageously has features that provide for increased reliability of the entire testing system. Although the data storage device contains a nonvolatile memory (such as EEPROM), these electronics, like most low-cost electronics, are affected by electrostatic discharge (ESD) and power spikes during connection of the data storage device to the meter. The instant claims include a ground that establishes contact before the chip is powered. This ground provides a path for current so that charge does not accumulate in the storage device, or undergo dramatic fluctuation. Similarly, when the chip is removed, the ground persists while voltage to the data storage device is disconnected. Such a grounding arrangement

increases the reliability of the ROM device, the integrity of its data, and the overall reliability of the meter device. Nowhere does White et al. suggest such an arrangement, because it is critical to the White et al. meter that the ROM device remain plugged in throughout the entire testing procedure.

To further reinforce the distinctions of the present invention over White et al. discussed above, the claims have also been amended to clarify that the removable data storage device contains only constants, which after uploading from the data storage device are subsequently employed by the machine code (software) resident in the meter's onboard memory.

Various other changes have been made to improve the form and readability of the claims.

For the above reasons, it is respectfully requested that the rejection be withdrawn.

Claims 44-46 are rejected under 35 U.S.C. § 103(a) as unpatentable over White et al. (US 5,366,609) in view of Dewese et al. (US 6,377,894). The Examiner asserts that each limitation of the claims is disclosed by White et al., except that the reference fails to specifically teach storing data related to the brand and expiration date of test strips, and the model of the meter. Applicants respectfully submit that the instant dependent claims are allowable for the same reasons as set forth above with respect to independent claim 42. Additionally, the Dewese et al. patent does not provide any teachings overcoming the deficiencies of White et al. Indeed, the Dewese et al. reference discloses a meter which uses the same port for data devices and test strips. Accordingly, the device software controls the sequence of insertion of the data strips

and the test strips and provides instructions to the user. This arrangement is fundamentally different from the present invention, where the data storage device is received in a separate port, and can be unpredictably removed at any time by the user after the upload of data.

It is therefore respectfully requested for the above reasons that neither White et al. nor Deweese et al. render the instant claims obvious, either alone or in combination, and that the rejection be withdrawn.

New Claims

Dependent claims 58-60 have been added. It is respectfully submitted that these claims are allowable for the same reasons as the claims on which they depend. No new matter has been added. Exemplary supporting disclosure appears on pages 31-32.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

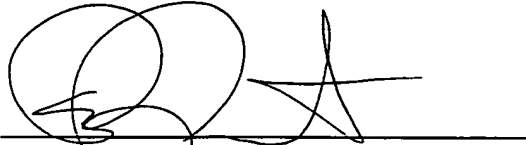
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 17, 2005

By:

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a series of loops and a horizontal line extending to the right.

Eric P. Raciti
Reg. No. 41,475